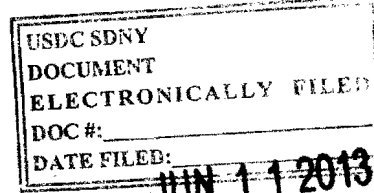


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June 5, 2013

VIA FACSIMILE

Hon. J. Paul Oetken
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2101
New York, New York 10007

APPLICATION GRANTED:

HON. J. PAUL OETKEN
UNITED STATES DISTRICT JUDGE

6-11-13

Re: *Fireman's Fund Ins. Co. et al. v. Great American Ins. Co. of New York et al.*, 10 Civ. 1653 (JAK) (JLC)

Dear Judge Oetken:

This law firm represents defendant Max Specialty Insurance Company in the above-referenced matter. The parties have each filed summary judgment motions on various topics. The motions are currently pending, with Max Specialty's reply papers on its three (3) motions due June 14, 2013.

I have attached to this transmission a letter from Hon. Maria G. Rosa of New York Supreme Court, Dutchess County, scheduling jury selection for June 7, 2013, in a legal malpractice action I am handling as counsel of record. The trial date was set after the summary judgment briefing schedule was established in this case. Trial will take one week (through June 14) and the judge has indicated that the trial date is firm. This presents a conflict for filing Max Specialty's reply papers in the instant declaratory judgment action before Your Honor.

I have asked all counsel to advise if there are objections to Max Specialty requesting an extension of the reply date to Monday, June 22, 2013. This is one (1) week following the conclusion of my trial and several days after the mediation scheduled to take place in the instant matter on June 18, 2013, before Magistrate Judge James L. Cott.

Counsel for plaintiffs Fireman's Fund Insurance Company, et al. responded that they neither join nor oppose this application. Counsel for defendant Great American Insurance Company has not objected. Counsel for defendant Signal International has not objected but has asked whether Max Specialty could file its replies before the June 18 mediation.

Due to the trial preparations currently underway, and the commitment of personnel required for trial (my associate Jeremy Monosov, who is involved with briefing in the instant

matter, is second chair in the trial), it would not be reasonably possible for Max Specialty to prepare and file its reply briefs in the few days between the end of trial (June 14) and the mediation date (June 18).

Pursuant to the foregoing, I respectfully request that Max Specialty be permitted to serve and file its reply papers in the instant matter on Monday, June 22, 2013.

Thank you for the Court's consideration in this matter.

Respectfully submitted,

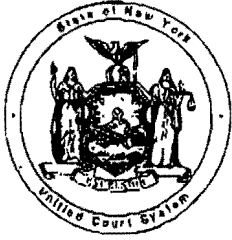


Stephen D. Straus

Enclosure

cc: Hon. James L. Cott (via facsimile)
All counsel of record (via e-mail)

ATTACHMENT



STATE OF NEW YORK
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HON. MARIA G. ROSA
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May 17, 2013

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RE: Kiefer v. Sumer
Index No: 8189/09

Dear Counselors:

This court generally has jury selection on Fridays with trials commencing the following Monday or as soon as there is a sufficient number of sworn jurors. To insure that this trial is concluded in a time frame consistent with the court's schedule in June, jury selection in this case has been advanced from Monday, June 10, 2013 to Friday, June 7, 2013 with the expectation that the trial will then commence Monday, June 10, 2013.

If jury selection on June 7, 2013 presents a scheduling problem for either plaintiff or defendants' counsel, please advise the court immediately. Otherwise, please report to chambers at 9:45 a.m. on June 7, 2013 so that my clerk, Milena Scheib, can advise you of the location of jury selection that morning.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "MGR", written over a horizontal line.

Maria G. Rosa
Supreme Court Justice

MGR/sn
cc: C. Nicholas Garin, Asst. Attorney General